

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 25, 2005, Work Session**

AGENDA ITEM NO.: 3

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **2006 General Assembly Legislative Agenda**

RECOMMENDATION: Adopt the attached legislative agenda for the 2006 General Assembly session with amendments approved by Council.

SUMMARY: The City's Legislative Liaison Linda McMinimy has prepared the attached proposed legislative agenda for the 2006 session of the General Assembly. She has modified and updated the previous agenda based on her understanding of issues likely to come before the next session and input from City leadership. City Council is asked to suggest any additions, deletions or other amendments.

PRIOR ACTION(S): The adoption of the legislative agenda is an annual occurrence.

FISCAL IMPACT: N/A

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ATTACHMENT(S): Proposed 2006 Legislative Agenda

REVIEWED BY: lkp

CITY OF LYNCHBURG

2006 LEGISLATIVE AGENDA

PRIORITY ITEMS

The Lynchburg City Council urges Region 2000 legislators to adhere to these principles as they evaluate and vote on bills and the biennial budget amendments during the 2006 General Assembly Session:

State Budget:

- Continue progress toward adequately funding the State share of State-local services, especially in education, human services, and public safety.

State Policies:

- Oppose legislation that erodes local taxing authority, caps or reduces local revenue or that contains costly unfunded mandates for localities.
- Ensure that any changes to telecommunications taxes fully compensate localities for any loss of local telecommunications tax revenue.
- Oppose legislation that reduces local decision-making authority in land use planning and zoning,

Specific Action Requested

I. Continue Progress in Meeting State Fiscal Obligations to Localities

Lynchburg, like other older Virginia cities, has a high level of mandated service responsibilities and infrastructure costs and is dependent on a narrow tax base with limited capacity for growth. Lynchburg is the **9th** most fiscally stressed locality in the State. Both the State and localities have a constitutional and statutory responsibility to share the costs of many services provided at the local level. The State should continue the progress made in 2004 to meet its responsibilities to fund its full share of the costs of mandated services in the following areas:

II. State - Local Funding Priorities:

- Education- Fully Fund SOQ Rebenchmarking and Increase At-risk Programs
- Combined Sewer Overflow
- Transportation: Public Transportation, Street Maintenance, Urban Construction
- Comprehensive Services Act- reduce local match
- Social Services – Welfare Reform and Foster Care
- HB 599; fund should grow at same rate as State revenue growth

- Jail Per Diems- increase daily rates,
- Juvenile Justice and Detention Programs- restore funding
- Constitutional Officers
- State Share of Library Costs

III. Support the First Cities Coalition Agenda

Lynchburg is a member of the Virginia First Cities Coalition, which represents fifteen of Virginia's older, fiscally challenged core cities. The Coalition is working to change State policies that disadvantage cities, to fund programs that will improve the vitality and condition of cities and the quality of life of city residents. Lynchburg Supports the VFC's priorities in Education, Transportation, Tax Policy and Redevelopment (Attached.)

City of Lynchburg

2006 Legislative Positions

A. State/Local Partnerships

The FY07-08 biennial budget should ensure continued progress toward full funding of State-local service responsibilities. The Governor and General Assembly should oppose efforts to eliminate or cap local revenue sources, restrict local taxing authority or shift State funding responsibilities to the local level.

- Preserve the local collection and administration of local tobacco stamp taxes

B. Public Safety

Homeland Security

- Federal first responder funds provided to the State to combat terrorism should be distributed to the actual first responders, local fire departments with hazardous materials capabilities and police departments.
- Support legislation exempting police and firefighters from extended National Guard and reserve active duty, to ensure that the local terrorism response capabilities remain strong.

Juvenile Justice

- Restore funding for the Virginia Juvenile Crime Control and Corrections Act (JCCCA).
- Identify and support a suitable VJCCCA funding formula that honors historic State and local partnerships.
- Restore Department of Juvenile Justice block grants to support local juvenile detention facilities. Funding should be distributed based on capacity not utilization.
- Restore State block grants to local detention facilities incrementally as the State financial conditions improve.

C. Human Services

Comprehensive Services Act

- Increase funding for the Comprehensive Services Act. Any additional funds should be applied to the base program rather than the supplemental program and distributed based on local costs over several years as recommended by the Secretary of Health and Human Resources.

Mental Health/Mental Retardation Service Recommendations

- Restore State CSB funding. As Virginia's mental health system becomes more community based, adequate funding for community placement and treatment is critical.

Health Department

- Maintain adequate State funding for public health services in central Virginia.
- Fully fund the State share of the Central Virginia Health Department's building maintenance and lease costs.

Social Services

- Maintain funding for workforce re-training through appropriate agencies, retaining VIEW staff and funding in Social Services. This program is tailored to help TANF recipients secure and maintain jobs and has been very successful.
- Maintain the current level of State funding for the administration of mandated programs and services.
- Support reauthorization of Federal TANF Legislation and the work first requirement.
- Maintain prevention funding.

D. Utilities and Environmental Quality

Combined Sewer Overflow

- Provide State funds for CSO projects in Lynchburg.
- The General Assembly should increase funding to the Virginia Revolving Loan (VRL) program and earmark these funds for CSO abatement in order to qualify Lynchburg and Richmond for zero interest rates.

Water Quality

- Support Enhancements to the Water Quality Improvement Act and the Chesapeake Bay Permits and Trading Law to ensure their efficient and effective implementation to improve water quality

State Taxes on Local Utility Funds

- Oppose the imposition of a State fee, tax or surcharge on water, sewer, and solid waste or on any other local government funds or services.

Telecommunications

- Any changes to telecommunications taxes must fairly and fully compensate localities for any loss of local telecommunications tax revenue.
- Maintain local authority over zoning, land use, rights-of-way and taxation. Limit new State regulation preempting local authority regarding the use and compensation of local rights of way for telecommunications.
- The right of way fee law enacted in 1998 should be maintained.

SCC Oversight of Local Government Underground Utilities

Oppose any amendments to the Underground Utilities Damage Prevention Act that would increase reporting requirements for local governments and local utility authorities, or that would increase unnecessary or costly SCC oversight.

E. Transportation

Current settlement patterns and transportation planning activities require significant additional revenues to maintain State and local transportation infrastructure and meet growing travel and commerce needs in Region 2000 and across the State. It is becoming increasingly clear, however, that the public is unwilling or unable to pay the cost of traditional transportation planning. Furthermore, there is growing evidence that such planning has damaged the viability of central cities, promoted sprawl, and encouraged wasteful energy consumption. The unwillingness of citizens to pay for transportation improvements, the high cost of oil, and a variety of other factors including environmental concerns, the NIMBY syndrome and escalating construction costs suggest that our transportation planning in the next fifty years needs to be significantly different from that of the last fifty years. The Commonwealth should examine this challenge from a broad perspective to develop a transportation strategy that recognizes that the status quo is no longer viable.

In the shorter term the General Assembly should:

- Ensure that adequate funding is provided to maintain the current transportation infrastructure, especially bridges and key arterial roadways. Support non-automobile transportation modes such as public transportation, airports, and intercity rail, specifically, the TransDominion Express.
- Support policies that maximize the use of existing transportation infrastructure, encourage redevelopment and promote pedestrian oriented development.
- Oppose changes in the highway funding formula that would reduce road funding for Lynchburg.
- Support increased State funds for public transportation capital and operating costs
- Provide State incentives for regional transit service to improve regional mobility and access to employment centers

F. Economic Development

- Fully fund the Enterprise Zone Program
- Support State transportation and land use policy initiatives that encourage city redevelopment and discourage dispersed development.
- Preserve and expand tax credit programs that benefit city redevelopment; including the Historic Tax Credit Program.

G. Zoning and Land Use

- Preserve local zoning and land use authority. Retain local authority to use by right special exceptions and special use permits to meet the individual needs of communities.
- Oppose legislation that would require localities to treat manufactured homes as single-family homes and allow them by right in all single-family districts; preempting the City's zoning ordinance and eroding local authority.
- Oppose legislation that would allow State agencies to circumvent local comprehensive plans and land use regulation in the placement of State or telecommunication facilities

Abandoned/Neglected Properties

- Ensure that eminent domain legislation preserves City and Housing Authority ability to address blight and stimulate revitalization
- Support legislation to make it more efficient and cost effective for local governments and citizens to eliminate blighted properties.
- Support changes that continue to streamline the tax sale process on tax delinquent property while preserving reasonable protections for property owners.

Exemption of Religious Organizations from Local Ordinances

- Oppose any State legislation that would exempt churches and other religious organizations from neutral, generally applicable local ordinances, and in particular, local health, safety and zoning ordinances.

H. Education

Educational Funding

- Fully fund rebenchmarking of the Standards of Quality
- Include funding for State Board of Education recommended positions in SOQ rebenchmarking:
 - one principal at every elementary school,
 - one assistant principal for every 400 students in grades K-12

- one full-time instructional reading specialist for each 1,000 students funds to reduce caseload for speech-language pathologists
- Eliminate the Federal Revenue Deduction from the Basic Aid formula
(a loss of nearly ½ million dollars annually)
- Increase funding of at risk programs
 - Increase the per pupil rate for the Pre-K four year old program (unadjusted for 10 years).
 - Increase funds for alternative education programs

School Construction

- Restore the Literary Fund to support school reconstruction and construction projects.

Education Policies:

- Fund teacher salary increases as of July 1, the beginning of each year, instead of the current practice of funding mid- year, January 1.
- Eliminate the counterproductive General Achievement Diploma (GED) requirement to withdraw a student from school after completing the 20 required credits. The policy distances students from access to needed resources and support.

I. Employee Relations and Training

Heart/Lung and Cancer Presumption

- Support local government initiatives amending the presumption statute to restore balance to the rebuttal process.
Unless a balance is restored localities will be faced with enormous and growing costs of medical conditions caused not by employment conditions but by individual lifestyle choices (e.g. life-time tobacco use, unhealthy eating habits) that result in chronic disease. The State program is designed to protect the legitimate long-term effects of work related dangers. It should not be revised to reward those who have made poor lifestyle choices yet seek the same benefits
- Oppose extending the presumption to salaried and volunteer EMT's and lifesaving and rescue squads.
- Oppose the expansion of cancers covered by the presumption statute.

Binding Arbitration

- Oppose legislation that mandates binding arbitration, meet and confer requirements, and imposed grievance procedures for local employees.

Employee Retirement and Benefits

- Support the local option of participating in the Virginia Sickness and Disability Program
- The General Assembly should refrain from the transfer of funds out of the Virginia Retirement Fund and into the General Fund to solve budget problems.
- Adequately fund education so that teacher retirement costs will be equitably borne by the State and its localities.
- Oppose the shift of State VRS line of duty benefit responsibility to localities.